

## CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/NO00/00198	7 JUNE 2000	7 JUNE 1999

## TITLE OF INVENTION

DEVICE FOR POSITIONING AND LIFTING A MARINE STRUCTURE, PARTICULARLY A PLATFORM DECK

## APPLICANT(S)

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Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: EO/US

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371**

*(check and complete the applicable item, if applicable)*

This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).  
 A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi).*

## CERTIFICATION UNDER 37 C.F.R. 1.10\*

*(Express Mail label number is mandatory.)**(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date April 9, 2002, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV 011021559 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

JENNIFER RASHKIN*(type or print name of person mailing paper)*


*Jennifer L*  
Signature of person mailing paper

**WARNING:** *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).*

*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

**NOTE:**

*Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).*

## **DECLARATION OR OATH**

I. (a)  No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**OR**

(b)  The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** *For surcharge fee for filing declaration after filing date complete item IV(3)*

**NOTE:**

*NOTE: Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are:*

(A) *application number (consisting of the series code and the serial number, e.g., 08/123,456);*  
(B) *serial number and filing date;*  
(C) *attorney docket number which was on the specification as filed;*  
(D) *title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*  
(E) *title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*  
*M.P.E.P. Section 601.01(a), 7th ed. Notice of September 12, 1983 (1035 O.G. 3). See MPEP § 601.01(a), 7<sup>th</sup> ed.*

**NOTE:** *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

**NOTE:**

*See 37 C.F.R. § 1.41(a).*

*(complete as applicable)*

Attached is a

(c)  Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d)  Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

(e)  Statement that substitute specification contains no new matter.

(f)  Preliminary Amendment

(g)  Transmittal of Formal Drawing(s) Prior to Notice of Allowance

(h)  Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

## AMENDMENT

### II.

*(complete as applicable)*

An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
 The attached amendment cancels claims \_\_\_\_\_ inclusive.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

### III.

Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. 1.495(c))

*NOTE:*

*For fee for processing a non-English application, complete item IV(4).*

*NOTE:*

*A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

## FEES

### IV.

*NOTE: See 37 C.F.R. § 1.28(a).*

#### 1. Fees for claims

each independent claim in excess of 3  
(37 C.F.R. § 1.492(b))—\$84.00; small entity—\$42.00      \$\_\_\_\_\_

each claim in excess of 20  
(37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00      \$\_\_\_\_\_

multiple dependent claims(s)  
(37 C.F.R. § 1.492(d))—\$280.00; small entity—\$140.00      \$\_\_\_\_\_

#### 2. Surcharge fees

surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00      \$\_\_\_\_\_ 65.00

*NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.*

3.  processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00      \$\_\_\_\_\_

04/12/2002 LLANDGRA 00000038 10009100

Total Fees

\$ 65.00

01 FC:254

65.00 OP

## SMALL ENTITY STATUS

V. a.  A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

is attached.  
 was filed on \_\_\_\_\_.  
 was made by paying the basic national fee as a small entity.  
 is being made now by paying the basic national fee as a small entity.

b.  A separate refund request accompanies this paper.

## EXTENSION OF TIME

*(complete (a) or (b), as applicable)*

### VI.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

(a)  Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

### VII.

The total fee due is:

Completion fee(s) \$ 65.00  
Extension fee (if any) \$ \_\_\_\_\_  
TOTAL FEE DUE \$ 65.00

## PAYMENT OF FEES

### VIII.

Enclosed is a check in the amount of \$ 65.00  
 Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
 A duplicate of this request is attached.

**NOTE:** *Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).*

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### IX.

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

**NOTE:** *"A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

**NOTE:** *"Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425

37 C.F.R. § 1.492(a)(1), 1.492(a)(4) (filing fees)

37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

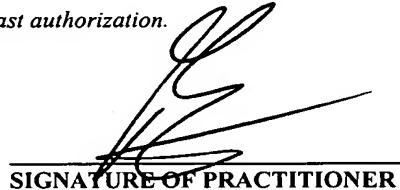
- 37 C.F.R. § 1.17 (application processing fees)
- 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).
- 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

**NOTE:** *37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

- 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** *It would be wise to always check this last authorization.*



**SIGNATURE OF PRACTITIONER**

Reg. No.: 25,858

**WILLIAM R. EVANS**

*(type or print name of practitioner)*

Tel. No.: (212)708-1930

**LADAS & PARRY**

P.O. Address

Customer No.: 00140

**26 WEST 61<sup>ST</sup> STREET**

**NEW YORK, NEW YORK 10023**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : JOHN SCHIA, et al  
 INTERNATIONAL APPLICATION NO. : PCT/NO00/00198  
 INTERNATIONAL FILING DATE : 7 JUNE 2000  
 PRIORITY DATE CLAIMED : 7 JUNE 1999  
 TITLE: DEVICE FOR POSITIONING AND  
 LIFTING A MARINE STRUCTURE,  
 PARTICULARLY A PLATFORM  
 DECK

Attorney Docket No.: U 013752-2

**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

## WRITTEN ASSERTION OF SMALL ENTITY STATUS

This is written assertion on the basis of:

personal knowledge;  
 applicant's letter of \_\_\_\_\_;

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

## 37 C.F.R. 1.8(a)

with sufficient postage as first class mail.

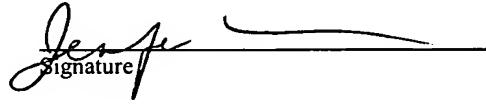
## 37 C.F.R. 1.10\*

as "Express Mail Post Office to Address"  
 Mailing Label No. EV 011021559 US  
 (mandatory)

## TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Date: April 9, 2002

  
 Signature  
JENNIFER RASHKIN  
 (type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

applicant's agent's letter of NOVEMBER 30, 2001; or  
 other \_\_\_\_\_

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

**NOTE:** *"To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted."* Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

**NOTE:** 37 C.F.R. § 1.27(c)(1): *"Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:*

- (i) *Be clearly identifiable;*
- (ii) *Be signed (see paragraph (c)(2) of this section); and*
- (iii) *Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."*

**NOTE:** 37 C.F.R. § 1.27(c)(2): *"Parties who can sign and file the written assertion. The written assertion can be signed by:*

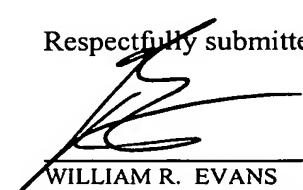
- (i) *One of the parties identified in § 1.33(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;*
- (ii) *At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or*
- (iii) *An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."*

*35 C.F.R. § 1.33(b):*

(b) *Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:*

- (1) *A registered attorney or agent of record appointed in compliance with § 1.34(b);*
- (2) *A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);*
- (3) *An assignee as provided for under § 3.71(b) of this chapter; or*
- (4) *All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.*

Respectfully submitted,



WILLIAM R. EVANS  
C/O LADAS & PARRY  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NEW YORK. 10023